

CHAPTER NO. 103

HOUSE BILL NO. 4077

By Representatives Coleman, Hood, Cobb, Rowland

Substituted for: Senate Bill No. 4003

By Senators Tracy, Ketron

AN ACT to amend Chapter 68 of the Private Acts of 2000; and any other acts amendatory thereto, relative to the town of Smyrna.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 68 of the Private Acts of 2000, and any other acts amendatory thereto, is amended by deleting Section 4.01 in its entirety and substituting instead the following:

Section 4.01. Date of general town election. A general town election shall be held during the regular November election in 2008, and in each even-numbered year thereafter. Special elections and referendums may be held at the direction of the town council in accordance with the general state law.

SECTION 2. Chapter 68 of the Private Acts of 2000, and any other acts amendatory thereto, is amended by deleting Section 4.04 in its entirety and substituting instead the following:

Section 4.04. Election procedure. On the first Tuesday after the first Monday in November 2008, and in each even-numbered year thereafter, there shall be held a regular election in the Town of Smyrna, for the purpose of electing members of the town council and a mayor. Every such regular November election shall be called, ordered and published by the election commissioners for Rutherford County, Tennessee, by publication of a notice of election, not less than forty-five (45) days prior to the date of election, in some newspaper in general circulation in the Town of Smyrna, or if there be no such newspaper, then in some newspaper of general circulation therein (if any) and by posting of such notice of election on the Town Hall door, at the office of said election commissioners, and at two (2) other public places within said town, such notice of election to state the time and place of holding such election and the purposes thereof; and it shall be the duty of said election commissioners to publish a combination notice of election, locations of the several voting places, and names of all officers, judges, clerks, and any other officials appointed to hold the same, in the manner herein above in this paragraph provided, not more than ten (10) days nor less than three (3) days prior to the election.

SECTION 3. Chapter 68 of the Private Acts of 2000, and any other acts amendatory thereto, is amended by deleting Section 4.05 in its entirety and substituting instead the following:

Section 4.05. Council member terms and transition. In order to transition the Town of Smyrna from odd-numbered year elections to even-numbered year elections, there shall be no general town election in November 2007. A general town election shall be held in 2008 at the regular November election, at which time three (3) town council members shall be elected to fill the three (3) council member seats that expire in November 2007 under the Charter prior to the effective date of this amendment. The term of office for the occupants, as of the effective date of this Charter amendment, of the three (3) council member seats, which seats shall be the subject of the town election in November 2008, shall be extended for one (1) year to November 2008 for transition purposes.

There shall be no general election in November 2009. A general election shall be held in 2010 at the regular November election, at which time a mayor and three (3) council members shall be elected to fill the mayor and three (3) council member seats that expire in November 2009 under the Charter prior to the effective date of this amendment. The term of office for the occupants, as of the effective date of this Charter amendment, of the three (3) council member seats and the seat of mayor, which seats shall be the subject of the town election in November 2010, shall be extended for one (1) year to November 2010 for transition purposes.

Nothing herein shall be construed as prohibiting any council member, including the mayor, from seeking additional terms at the expiration of a term of office. Effective upon election in November 2008 or November 2010, as applicable, and thereafter, said terms of office shall be for four (4) years. Thereafter, the terms of the mayor and all council members shall continue to be four-year terms on a staggered basis.

SECTION 4. Chapter 68 of the Private Acts of 2000, and any other acts amendatory thereto, is amended by deleting Section 9.01 in its entirety and substituting instead the following:

Section 9.01. Town court established. There is hereby established within the Town of Smyrna a town court, which shall have jurisdiction over all infractions of municipal ordinances of the Town of Smyrna, and in accordance with Section 9.02 (a) of this Article, jurisdiction of the town court shall also include concurrent jurisdiction with courts of general sessions in any cases of the violation of criminal laws committed within the corporate limit of the Town of Smyrna, including the jurisdiction to conduct preliminary examinations and bind over defendants to the grand jury for indictment.

SECTION 5. Chapter 68 of the Private Acts of 2000, and any other acts amendatory thereto, is amended by deleting Section 9.02 in its entirety and substituting instead the following:

Section 9.02. Jurisdiction, qualifications, oath, compensation, election, restrictions on office of town judge, and vacancies.

(a) The town judge shall try all of the persons charged with violation of the ordinances of the town, and shall have the power to levy fines, penalties and forfeitures not exceeding fifty dollars (\$50.00) or the maximum allowable under general state law, whichever is greater, for each offense, and to impose such costs as the council may by ordinance establish. The town judge is authorized to offer persons assessed a fine or penalty and costs for the violation of a municipal ordinance the option of performing community service for the town in lieu of paying all or a portion of the fine or penalty and costs; provided, that the town has first established a community service system. The town judge shall exercise concurrent general sessions jurisdiction and shall have all powers and duties as provided by state law for general sessions judges.

(b) Only registered voters who are thirty (30) years of age, licensed to practice law in the state of Tennessee, have been a resident of the state of Tennessee for five (5) years and a resident of the Town of Smyrna for one (1) year shall be eligible to seek the office of town judge.

(c) In accordance with Tennessee Code Annotated, §16-15-203, the oath of office shall be the same as that prescribed for circuit court judges and chancellors and shall be taken and filed in the same manner and with the same officers as prescribed for circuit court judges and chancellors. Additionally, the town judge shall take the same oath administered to the mayor and council members.

(d) The compensation of the town judge shall be set by the town council by ordinance. The town judge's compensation cannot be adjusted during his term of office; however, the town council may make adjustments to the compensation of the town judge position, provided, such compensation adjustment will not be effective until the next term of office of the town judge.

(e) In accordance with Article VII, Section 5 of the Constitution of Tennessee, at the regular August election in 2006, and every eight (8) years thereafter during the regular August election, the town judge shall be elected by the qualified voters of the town for a term of eight (8) years, and the town judge shall take office on the first day of September next following the election. If necessary, as related to the regular August election in 2006, the filing deadline to seek election as the town judge shall

be extended by resolution to a date certain as set by the town council no later than six (6) weeks prior to the election date. The town judge shall be eligible for re-election.

(f) Elected town judges exercising concurrent jurisdiction shall not be eligible to hold other elective or appointive offices for the Town of Smyrna, or to hold another position of employment with the Town of Smyrna.

(g) Vacancies in the office of the town judge shall be filled by the town council until the next biennial election of civil officers recurring more than thirty (30) days after the vacancy occurs in accordance with Article VII, Section 5 of the Constitution of Tennessee.

SECTION 6. Chapter 68 of the Private Acts of 2000, and any other acts amendatory thereto, is amended by deleting Section 9.03 in its entirety and substituting instead the following:

Section 9.03. Town court clerk established, election, qualifications, oath and compensation. There is hereby established within the Town of Smyrna the position of town court clerk, which shall be responsible for maintaining all records of the town court in accordance with applicable laws.

SECTION 7. Chapter 68 of the Private Acts of 2000, and any other acts amendatory thereto, is amended by deleting Section 9.04 in its entirety and substituting instead the following:

Section 9.04. Qualifications, oath, compensation, election, restrictions of the town court clerk, and vacancies.

(a) Only registered voters who have been residents of the Town of Smyrna for one (1) year shall be eligible to seek the office of town court clerk.

(b) The oath of office shall be the same as the oath required for the mayor or town council member.

(c) The salary of the town court clerk shall be an amount set by the town council by ordinance.

(d) In accordance with Article VI, Section 13 of the Constitution of Tennessee, at the regular August election in 2006, and every four (4) years thereafter during the regular August election, the town court clerk shall be elected by the qualified voters of the town for a term of four (4) years, and the town court clerk shall take office on the first day of September next following the election. If necessary, as related to the regular August election in 2006, the filing deadline to seek election as the town court clerk shall be extended by resolution to a date certain as set

by the town council no later than six (6) weeks prior to the election date. The town court clerk shall be eligible for re-election.

(e) Elected town court clerks shall not be eligible to hold other elective or appointive offices for the Town of Smyrna, or to hold another position of employment with the Town of Smyrna.

(f) Vacancies in the office of the town court clerk shall be filled by the town council until the next biennial election of civil officers recurring more than thirty (30) days after the vacancy occurs in accordance with Article VII, Section 5 of the Constitution of Tennessee.

SECTION 8. Chapter 68 of the Private Acts of 2000, and any other acts amendatory thereto, is amended by deleting Section 9.05 in its entirety and substituting instead the following:

Section 9.05. Court policies and procedures. The policies and procedures governing the day-to-day operations of the court shall be provided by ordinance.

SECTION 9. Chapter 68 of the Private Acts of 2000, and any other acts amendatory thereto, is amended by deleting Section 9.06 in its entirety and substituting instead the following:

Section 9.06. Town judge to be exclusive judge of law and facts. The town judge shall be the exclusive judge of the law and facts in every case before him, and no official or employee of the town shall attempt to influence his decision except through pertinent facts presented in court.

SECTION 10. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Smyrna. Its approval or nonapproval shall be proclaimed by the presiding officer of Smyrna and certified to the secretary of state.

SECTION 11. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 10.

PASSED: April 26, 2006


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 12th day of May 2006



PHIL BREDESEN, GOVERNOR